

Mr. Bailey called up Senate bill No. 44, reported from the Senate yesterday, with the veto of the Governor thereon.

The veto message was laid before the House, and was read as follows:

*To the Senate:*

After a most careful consideration of Senate bill No. 44, I feel constrained by a sense of public duty to return the same without my approval.

The measure has for its object the increase of the fees of sheriffs and constables, as prescribed in the Act of June 16, 1897. It will be borne in mind that after a long and arduous struggle, the law sought to be amended was enacted by the Twenty-fifth Legislature at a special session. Its consummation was procured only after earnest and persistent effort by my predecessor, notwithstanding the reform which he sought to secure through it had been endorsed and pledged by the Democratic State Convention of August, 1896. Many will remember the struggle that finally resulted in the Act of June 16, 1897. The Democratic State Convention of last year approved the law, as will be seen in the sixteenth plank of its platform. Disclaiming any intention whatever to call in question or to reflect upon the motives of any one who may have supported or voted for the bill under consideration, I will venture to express the opinion that good faith to the political party, whose honors and confidence we enjoy, and to the people generally, forbids an increase at the present time of the fees of office as contemplated by the bill. Should it become a law, the fees of the sheriffs will, I am informed, be practically restored to what they were under Article 1083, Code of Criminal Procedure, and prior to the reform Act of 1896. I am also advised that it will require an increase in the public expenditure aggregating annually from \$20,000 to \$25,000, and that this is a conservative estimate.

Attention is invited to the accompanying communication from the Comptroller of Public Accounts upon the subject, and especially to that portion which refers to the pay of sheriffs and constables when in pursuit of fugitives from justice beyond the State borders. The expense thus incurred and chargeable to the treasury, says he, cannot be estimated with any degree of accuracy. But is this the time for increasing official salaries and fees? Is the condition of the people such that they can easily bear the additional burden sought to be imposed upon them by the bill? These are questions that are pertinent to the issue, and should be

answered the one way or the other. It will not be sufficient to say that these officers are not well enough compensated. That will be only an answer in part. Its effect upon the tax-payer must also be considered. Nor will it suffice to say that the increase of expense is but small as compared with three millions of people and the taxable values of the State. The great bulk of the annual appropriations is made mostly of small items and yet they aggregate more than two and a half millions of dollars, exclusive of the amount collected for the support of the public free schools.

When prices are falling in almost every branch of industry and when the exercise of strict economy is required in the matter as well of public as private expenditures, I do not feel inclined to approve any measure involving a draft on the treasury unless proceeding from an undoubted necessity. But were I so disposed, the condition of the treasury, it occurs to me, is such as will not warrant the expenditure called for in the bill. True it is, that my predecessor, in his message to the Legislature, reported a cash balance of \$848,534.52 on January 10, 1899, and to the credit of the general revenue. This was, indeed, a most creditable showing under the circumstances, and the retiring executive merits the gratitude of the people for the economy that was exercised under his administration. But this balance was apparent and not real, and in order to ascertain the true status of the public funds, there must be deducted therefrom the following amounts:

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| The general deficiency act....                                  | \$247,743.42 |
| Advertising constitutional amendments .....                     | 10,000.00    |
| Amount paid through mistake by the United States to Texas ..... | 45,125.56    |

There may be other deficiencies yet to be paid, but dealing with the question as shown by the foregoing figures, there remains an actual surplus of \$545,665.54 as existing on the 10th day of January, last.

It must also be borne in mind that the surplus shown by my predecessor was in part created by the payment of \$101,113.27 to the State by the United States, and by the amount of penalties collected from railways, \$67,500. In estimating the revenue that is to accrue to the treasury during the present and the next year, it would not be prudent to take into account any funds to come from like sources.

Already has the Legislature appropriated \$214,250, besides the amount car-

ried in the general deficiency bill, and in that for payment of the expense incurred in the publication of proposed amendments to the Constitution, and the general appropriation bill, as passed by the Senate, carries \$2,589,719.45 for the first year and \$2,307,947.20 for the second year, or \$4,897,666.65 for the entire period. The total net receipts of the treasury for the year 1899 is estimated by the Comptroller at \$2,590,000, and for the year 1900, \$2,600,000, or \$5,190,000, which is but \$292,333.35 in excess of the amount carried by the Senate appropriation bill, and deducting therefrom \$214,250 already appropriated and not embraced in the deficiency acts, we find that if the Senate appropriation bill should pass in its present form, we will have approached within \$78,083.35 of the full estimated receipts of the present and coming years. Prudence requires that there should be a margin of at least ten per cent. of the estimated receipts, and of which there should be no appropriation; and further, that there should always be a working balance in the treasury of not less than \$300,000, so as to guard against the depreciation of State warrants.

It will also be well to bear in mind that should the Legislature at its present session enact a law to pension ex-Confederate soldiers, there will be required an additional appropriation for the two years of not less than \$400,000. The condition of our several eleemosynary institutions is such as to imperatively demand extensive repairs. One of them—the deaf and dumb asylum—is scarcely tenable. The University and the Agricultural and Mechanical College deserve and should have increased appropriations over those of the past two years. A failure to provide for the insane, amounting to fully one thousand, who are confined in the county jails, would be reprehensible, indeed.

Considering the condition of the revenue—that which is in the treasury and that anticipated—and the character and amount of the demands that will be very properly made upon it, I have felt it my duty to submit the foregoing facts in connection with the pending bill for such consideration as the Legislature may be pleased to record.

JOSEPH D. SAYERS,  
Governor.

OFFICE OF COMPTROLLER,  
Austin, Texas, March 11, 1899.  
*His Excellency J. D. Sayers, Governor.*

DEAR SIR: I have the honor to acknowledge receipt of yours of the 10th.

enclosing Senate bill No. 44, with request that I furnish you information as to the changes in the present law by each section and subdivision, and also an estimate as to the increase in expenditures should the bill become a law.

The bill seeks to amend Section 4, of Chapter 5, Laws of 1897, which fixes the fees of sheriffs or constables in felony cases in all counties in this State where there shall have been cast, at the next preceding presidential election, 3000 votes or over.

The changes in fees are as follows:

Subdivision 1 increases the fee for executing warrant from 80 cents to \$1.00, and increases the mileage going to the place of arrest from 4 cents to 5 cents.

Subdivision 2 increases the fee for summoning witnesses from 40 cents to 50 cents.

Subdivision 3 increases the fee for summoning a jury from \$1.60 to \$2.00.

Subdivision 4 makes no change in the fee for executing a death warrant.

Subdivision 5 adds 2 cents to each mile traveled for removing a prisoner when traveling by rail or by private conveyance.

Subdivision 5 also provides pay for services of sheriffs or constables in pursuit of a fugitive from justice beyond the State line. Under the present law, the only compensation allowed an officer who goes beyond the limits of the State is when he goes on requisition of the Governor, and is limited to the amount prescribed by the Governor in such cases.

It is impossible to estimate with any degree of certainty this character of expense.

Subdivision 6 increases the mileage from 4 cents to 5 cents.

Subdivision 7 increases the mileage from 4 cents to 5 cents.

Subdivision 8 increases the per diem allowance of officers in conveyance of witnesses from \$1.00 to \$1.50.

Subdivision 9 increases the rate of mileage 2 cents per mile.

The bill as a whole practically restores the fees of sheriffs as provided for under Article 1035, Code Criminal Procedure, which is an increase of about 20 per cent. over fees provided for under Chapter 5, Laws 1897.

It is believed that \$20,000 to \$25,000 per annum would be a conservative estimate of the increase in the expense of this character.

Trusting the above is sufficiently explanatory, I am,

Very truly,  
(Signed) R. W. FINLEY,  
Comptroller.